

Business Choice Network, Inc.

BUSINESS CHOICE NETWORK, INC.

P.S.C. KY Tariff No. 1  
Original Page 1

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BUSINESS CHOICE NETWORK, INC.  
of  
1824 Engle Avenue  
Chesapeake, Virginia 23320

RATES, RULES, and REGULATIONS for FURNISHING  
RESALE TELECOMMUNICATIONS SERVICES

Filed with the  
PUBLIC SERVICE COMMISSION OF KENTUCKY

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

JUN 3 1992

PURSUANT TO 807 KAR 5:011,  
SECTION 9 (1)

BY: *Kathleen Villacorta*  
PUBLIC SERVICE COMMISSION MANAGER

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Issued by authority of an order of  
the Public Service Commission of  
Kentucky in Case No. 91-343  
dated: April 23, 1992

Issued by Business Choice Network, Inc.  
By: *Kathleen Villacorta*  
Kathleen Villacorta, Counsel for BCN

## CHECK SHEET

The Title Page and Pages 1 through 25, inclusive, of this tariff are effective as of the date shown. Original and revised pages, as named below, contain all changes from the original tariff and are in effect on the date thereon except as otherwise noted.

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SECTION 9 (1)

BY: *Sharon Heller*  
PUBLIC SERVICE COMMISSION MANAGER

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**TARIFF FORMAT**

Page Numbering - Page numbers appear in the upper right hand corner of the page. Pages are numbered sequentially. From time to time new pages may be added to the tariff. When a new page is added between existing pages, a decimal is added to the preceding page number. For example, a new page added between Pages 3 and 4 would be numbered 3.1.

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1.0 EXPLANATION OF TERMS AND ABBREVIATIONS

**Access Line** - An arrangement which connects the Customer's telephone to a Business Choice Network, Inc. designated switching center or point of presence.

**Authorized User** - A person, firm, corporation, or other entity authorized by the Customer to communicate utilizing the Carrier's service.

**BCN** - Used throughout this tariff to mean Business Choice Network, Inc.

**Customer or End User** - The person, firm, corporation, or other entity which orders, cancels, amends or uses service and is responsible for payment of charges and compliance with the Company's tariff.

**Company or Carrier** - BCN unless otherwise clearly indicated by the context.

**Equal Access** - Where the local exchange company central office provides interconnection to interexchange carriers with Feature Group D circuits. In such end offices, customers presubscribe their telephone line(s) to their preferred interLATA carrier.

**KPSC** - Kentucky Public Service Commission.

**LEC** - Local Exchange Company.

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1.0 EXPLANATION OF TERMS AND ABBREVIATIONS (CON'T)

**Special Access Origination/Termination** - Where access between the customer and the interexchange carrier is provided on dedicated circuits. The cost of there dedicated circuits is billed by the access provider directly to the end user.

**Switched Access Origination/Termination** - Where access between the customer and the interexchange carrier is provided on local exchange company Feature Group circuits and the connection to the customer is a LEC-provided business or residential access line. The cost of the switched Feature Group access is billed to the interexchange carrier.

**V & H Coordinates** - Geographic points which define the originating and terminating points of a call in mathematical terms so that the airline mileage of the call may be determined. Call mileage is used for the purpose of rating calls.

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2.0 RULES AND REGULATIONS

2.1 Application of Tariff

2.1.1 This tariff contains the regulations and rates applicable to intrastate long distance resale telecommunications services provided by BCN for telecommunications between points within the State of Kentucky.

- (A) Carrier may, from time to time, offer various enhanced services and information services within the State of Kentucky. Such services will be provided pursuant to contract and will not be governed by this tariff.
- (B) Carrier may also, from time to time, offer switching and/or transmission to other telecommunications carriers, for resale to such companies' customers. The rates for any such services will be determined pursuant to contract, and Section 4 of this Tariff will not apply thereto.

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2.0 RULES AND REGULATIONS (CON'T)

2.1 Application of Tariff (con't)

- 2.1.2 The services of BCN are not part of a joint undertaking with any other telecommunications entity, but do involve the resale of the Intrastate Long Distance Message Toll Services (MTS) of underlying common carriers.
- 2.1.3 The rates and regulations contained in this tariff apply only to the services furnished by BCN and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carrier for use in accessing the services of BCN.

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2.0 RULES AND REGULATIONS (CON'T)

2.2 Use of Service

- 2.2.1 BCN's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services.
- 2.2.2 The use of BCN's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.
- 2.2.3 The use of BCN's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false, or invalid numbers, or false calling or credit cards is prohibited.
- 2.2.4 BCN's services are available for use twenty-four hours per day, seven days per week.
- 2.2.5 BCN does not undertake to transmit messages pursuant to this tariff, but its services may be used for that purpose.
- 2.2.6 BCN's services may be denied for nonpayment of charges or for other violations of this tariff.

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2.0 RULES AND REGULATIONS (CON'T)

2.3 Liability of BCN

2.3.1 BCN shall not be liable for loss or damage sustained by reason of any failure in or breakdown of facilities associated with BCN's services or for any interruption or delay of services, whatever shall be the cause of such failure, breakdown, or interruption and whether negligent or otherwise and however long it shall last. In no event shall BCN's liability for any service exceed the charges applicable under this tariff to such service.

2.3.2 The Company shall be indemnified and saved harmless by any Customer, user or by any other entity against claims for libel, slander, or the infringement of copyright arising from the material transmitted over its services; and against all other claims arising out of any act or omission of a Customer or of any other entity in connection with the services provided by the Company.

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2.0 RULES AND REGULATIONS (CON'T)

2.3 Liability of BCN (con't)

2.3.3 BCN is not liable for any act or omission of any entity furnishing facilities or services connected with or provided in conjunction with the services of BCN.

2.3.4 The Company shall not be liable for any personal injury, or death of any person or persons, and for any loss or damage sustained by reason of acts, mistakes, omissions, errors, or defects in providing its long distance telecommunications services, whatever shall be the cause and whether negligent or otherwise.

2.3.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer, user, or other entity from any and all loss, claims, demands, suits, or other action or any liability whatever, whether suffered, made, instituted, or asserted by any Customer, user, or any other entity for any personal injury to, or death of, any person or persons, and for any loss, damage, defacement, or destruction of the premises of any Customer, user, or any other entity or any other property whether owned or controlled by the Customer, user, or others, caused or claimed to have been caused, directly or indirectly, by any act or omission of the Customer, user or others or by any installation, operation, failure to operate, maintenance, removal, presence, condition, location, or use of facilities or equipment provided by BCN which is not the direct result of BCN's negligence.

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2.0 RULES AND REGULATIONS (CON'T)

2.3 Liability of BCN (con't)

- 2.3.6 BCN shall not be liable for any failure of performance due to causes beyond its control, including, without being limited to, acts of God, fires, floods, or other catastrophes, national emergencies, insurrections, riots, or wars, strikes, lockouts, work stoppage, or other labor difficulties, acts, or omissions of other carriers, and any law, order, regulation, or other action of any governing authority or agency thereof.

2.4 Responsibilities of the Customer or Subscriber

- 2.4.1 The Customer is responsible for placing any necessary orders; for complying with tariff regulations; and for assuring that users comply with tariff regulations. The Customer shall ensure compliance with any applicable laws, regulations, orders, or other requirements (as they exist from time to time) of any governmental entity relating to services provided or made available by the Customer to Authorized Users. The Customer is responsible for the payment of charges for all calls originated at the Customer's premises utilizing BCN's services.

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**2.0 RULES AND REGULATIONS (CON'T)**

**2.4 Responsibilities of the Customer (con't)**

- 2.4.2** The Customer is responsible for charges incurred for special facilities which the Customer requests and which are ordered by BCN on the Customer's behalf.
- 2.4.3** If required for the provision of BCN's services, the Customer must provide any equipment space, supporting structure, conduit, and electrical power without charges to the Company.
- 2.4.4** The Customer is responsible for arranging access to its premises at times mutually agreeable to the Company and the Customer when required for the Company personnel to install, repair, maintain, program, inspect, or remove equipment associated with the provision of BCN's services.
- 2.4.5** The Customer shall ensure that the equipment and/or system is properly interfaced with BCN facilities or services, that the signals emitted into the BCN network are of the proper mode, bandwidth, power, and signal level for the intended use of the Customer and in compliance with the criteria set forth in this tariff; and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, BCN will permit such equipment to be connected with its channels without the use of protective interface devices.

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2.0 RULES AND REGULATIONS (CON'T)

2.4 Responsibilities of the Customer (con't)

2.4.5 (con't)

If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to BCN equipment, personnel, or the quality of service to other Customers, BCN may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, BCN may, upon written notice, terminate the Customer's service.

2.4.6 The Customer is liable for such damages as may be determined by a court of competent jurisdiction.

2.4.7 The Customer must pay for the loss through theft of any BCN equipment installed at Customer's premises.

2.4.8 The Customer or Authorized User is responsible for payment of the charges set forth in this tariff.

2.4.9 The Customer or Authorized User is responsible for compliance with the applicable regulations set forth in this tariff.

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2.0 RULES AND REGULATIONS (CON'T)

2.5 Cancellation or Interruption of Services

2.5.1 BCN may discontinue service without incurring liability in accordance with 807 KAR 5:006, Section 14 under the conditions summarized below:

- (A) With ten days written notice to the customer for noncompliance with utility or commission rules and regulations after a reasonable effort has been made to induce compliance.
- (B) Without prior notice when a dangerous condition exists on the customer's or applicant's premises. The Company must immediately notify the customer of the reason(s) service was disconnected and the corrective action necessary for service restoral.
- (C) With fifteen days written notice when a customer or applicant refuses or neglects to provide reasonable access to the premises.
- (D) The Company is not required to furnish service to any applicant when such applicant is indebted to the Company until such applicant pays the indebtedness.
- (E) Service may be discontinued or refused if the customer or applicant does not comply with state, municipal, or other codes, rules, and regulations applying to such service.
- (F) With five days' written notice for nonpayment of bills. The Company shall not cut-off service before twenty days after the mailing date of the original unpaid bill.

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2.0 RULES AND REGULATIONS (CON'T)

2.5 Cancellation or Interruption of Services (Con't)

(G) Service may be terminated without advance notice upon evidence that a customer has obtained unauthorized service by illegal use or theft. Within twenty-four hours after such termination, the Company shall send written notification to the customer of the reasons for termination or refusal of service, and of the customer's right to file a formal complaint with the commission.

2.5.2 Without incurring liability, BCN may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Customer and Company's equipment and services and may continue such interruption until any items of non-compliance or improper equipment operation so identified are rectified.

2.5.3 Service may be discontinued by BCN, without notice to the Customer, by blocking traffic to certain countries, cities, or NXX exchanges when BCN deems it necessary to take such action to prevent unlawful use of its service. BCN will restore service as soon as it can be provided without undue risk.

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2.0 RULES AND REGULATIONS (CON'T)

2.6 Contested Charges

For consideration of any disputed charge, a user must submit in writing to BCN, within 30 days of the date the bill is issued, the call details and the basis for any requested adjustment. BCN will promptly investigate and advise the user as to its findings and disposition. Any undisputed charges must be paid on a timely basis.

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2.0 RULES AND REGULATIONS (CON'T)

2.7 Deposits

The Company does not require a deposit from the Customer.

2.8 Taxes

All state and local taxes (e.g., gross receipts tax, sales tax, municipal utilities tax) are billed as separate line items and are not included in the quoted rates.

2.9 Late Payment Charge

BCN will assess a late payment charge equal to 1.5% for any past due balance that exceeds thirty days. The late payment penalty will be assessed only once on each monthly bill for services and the penalty will not be applied to unpaid previous penalties.

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### 3.0 DESCRIPTION OF SERVICE OFFERED

#### 3.1 Product Description

BCN provides direct dialed and travel card long distance telecommunications services within the State of Kentucky. Communications may also terminate to other points within the United States.

##### 3.1.1 Primary Service

Primary Service allows Customers to place direct dialed calls to any terminating location served by BCN. Customers are presubscribed to the BCN network via Feature Group D service. Calls originating and terminate over LEC-provided switched access facilities. Calls are placed by dialing "1+" and the destination number. Call billing is in full minute increments. Time of day discounts apply.

##### 3.1.2 Schedule A Service

Schedule A Service allows Customers to place direct dialed calls to any terminating location served by BCN. Customers are presubscribed to the BCN network. Calls originate and terminate over switched access facilities. Calls are billed based on an 18 second initial period and 6 second additional period. Time of day discounts apply.

##### 3.1.3 Schedule B Service

Schedule B Service allows Customers to place direct dialed calls to any terminating location served by BCN. Rates apply to calls between special access locations and stations that utilize switched access facilities. Calls are billed based on an 18 second initial period and 6 second additional period. Time of day discounts apply.

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3.0 DESCRIPTION OF SERVICE OFFERED (CON'T)

3.2 Timing of Calls

- 3.2.1 Long distance usage charges are based on the actual usage of BCN's network. The Company will determine that a call has been established through industry standard answer detection methods, including hardware answer detection.
- 3.2.2 Chargeable time for a call ends upon disconnection by either party.
- 3.2.3 The minimum call duration, initial period, and each additional timing period for billing purposes is stated on a per-product basis.
- 3.2.4 No charges apply for incomplete calls.
- 3.2.5 When the connection is established in one rate period and ends in another, the rate for each rate period applies to the portion of the connection occurring within the rate period. In the event that a billing increment is split between two rate periods, the rate in effect at the start of the billing increment applies.

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**3.0 DESCRIPTION OF SERVICE OFFERED (CON'T)****3.3 Calculation of Distance**

Usage charges for all mileage sensitive products are based on the airline distance between the rate center locations associated with the originating and terminating points of the call.

The distance between the originating and terminating points is calculated by using the "V" and "H" coordinates of the rate centers as defined by BellCore (Bell Communications Research), in the following manner:

Step 1 - Obtain the "V" and "H" coordinates for the rate center of the Customer and the destination point.

Step 2 - Obtain the difference between the "V" coordinates of each of the rate centers. Obtain the Difference between the "H" coordinates.

Step 3 - Square the differences obtained in Step 2.

Step 4 - Add the squares of the "V" difference and "H" difference obtained in Step 3.

Step 5 - Divide the sum of the square obtained in Step 4 by ten. Round to the next higher whole number if any fraction results from the division.

Step 6 - Obtain the square root of the whole number obtained in Step 5. Round to the next higher whole number if any fraction is obtained. This is the distance between the originating and terminating rate centers of the call.

Formula:

$$\sqrt{\frac{(V_1 - V_2)^2 + (H_1 - H_2)^2}{10}}$$

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4.0 RATES

4.1 General

Each Customer is charged individually for each call placed through the Carrier. Charges are computed on an airline mileage basis as described in Section 3.3 of this tariff.

Rates vary by mileage band, time of day, call duration, and based on the product selected by each BCN customer. Product descriptions are provided in Section 3 of this tariff.

Special access channels, if utilized, are provided and billed to the Customer by the special access provider. Special access channels may be provided by the local exchange telephone company or other authorized carrier. Charges for the special access channel are determined by the special access provider.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

JUN 3 1992

PURSUANT TO 807 KAR 5:011,  
SECTION 9 (1)

BY: *Cheryl Haller*  
PUBLIC SERVICE COMMISSION MANAGER

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ISSUED: April 22, 1992

EFFECTIVE: April 23, 1992

Issued by authority of an order of  
the Public Service Commission of  
Kentucky in Case No. 91-343  
dated: April 23, 1992

Issued by Business Choice Network, Inc.  
By: *Kathleen Villacorta*  
Kathleen Villacorta, Counsel for BCN

**4.0 RATES (CON'T)****4.2 Time of Day Rate Periods**

The appropriate rates apply for day, evening, and night/weekend calls based on the following chart.

	MON	TUES	WED	THUR	FRI	SAT	SUN
8:00 AM TO 5:00 PM*	DAYTIME RATE PERIOD					EVE	
5:00 PM TO 11:00 PM*	EVENING RATE PERIOD						
11:00 PM TO 8:00 AM*	NIGHT/WEEKEND RATE PERIOD						

\* to, but not including

Calls are billed based on the rate in effect for the actual time period(s) during which the call occurs. Calls that cross rate period boundaries are billed the rates in effect in that boundary for each portion of the call.

**4.3 Other Charges**

Optional Account Codes: \$0.50 per code per month

Initial Installation Charge: \$100 per account code

PUBLIC SERVICE COMMISSION  
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Kathleen Villacorta, Counsel for BCN



## 4.0 RATES (CON'T)

## 4.4 RATE SCHEDULES

4.4.1 Schedule A  
Intrastate Long Distance Rate Table  
Standard Switched Access

This rate table applies to customers that access BCN via local exchange company provided switched access.

## SCHEDULE A

DAYTIME RATES

<u>Rate Mileage</u>	<u>Initial 18 Seconds or Fraction</u>	<u>Each add'l 6 Seconds or Fraction</u>
0 - 292	.0615	.0205
293 +	.0669	.0223

EVENING RATES

<u>Rate Mileage</u>	<u>Initial 18 Seconds or Fraction</u>	<u>Each add'l 6 Seconds or Fraction</u>
0 - 292	.0492	.0164
293 +	.0534	.0178

NIGHT/WEEKEND RATES

<u>Rate Mileage</u>	<u>Initial 18 Seconds or Fraction</u>	<u>Each add'l 6 Seconds or Fraction</u>
0 - 292	.0492	.0164
293 +	.0534	.0178

PUBLIC SERVICE COMMISSION  
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Kathleen Villacorta, Counsel for BCN

## 4.0 RATES (CON'T)

## 4.4 RATE SCHEDULES

4.4.2 Schedule B  
Intrastate Long Distance Rate Table  
Special Access

This rate table applies to customers that access BCN via dedicated special access channels. This service is offered as an add-on to the Company's interstate offering. Charges for dedicated access are paid to the local exchange company providing the access service. This charge includes nonrecurring and monthly recurring charges.

## SCHEDULE B

DAYTIME RATES

<u>Rate Mileage</u>	<u>Initial 18 Seconds or Fraction</u>	<u>Each add'l 6 Seconds or Fraction</u>
0 - 292	.0390	.0130
293 +	.0438	.0146

EVENING RATES

<u>Rate Mileage</u>	<u>Initial 18 Seconds or Fraction</u>	<u>Each add'l 6 Seconds or Fraction</u>
0 - 292	.0294	.0098
293 +	.0330	.0110

NIGHT/WEEKEND RATES

<u>Rate Mileage</u>	<u>Initial 18 Seconds or Fraction</u>	<u>Each add'l 6 Seconds or Fraction</u>
0 - 292	.0294	.0098
293 +	.0330	.0110

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BY: *Kathleen Villacorta*  
PUBLIC SERVICE COMMISSION MANAGER  
Kathleen Villacorta, Counsel for BCN

PURSUANT TO 807 KAR 5.011.  
SECTION 9.1.2

**Public Service Commission**  
Richmond, VA 23261-5029

**Confectionary Group Corp.**  
1530 E. Pasano St.  
El Paso, TX 79901  
55-001-01127

Customer Number: 55-001-01127

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

JUL 4 1992

PURSUANT TO 807 KAR 5:011,  
SECTION 9 (1)

BY: *George L. Latta*  
PUBLIC SERVICE COMMISSION MANAGER



Account: Confectionary Group Corp.  
Customer Number: 55-001-01127

## Telecommunication Management Reports

May 26, 1991  
Page: 7

### Originating Number Summary

Number	Calls	Duration	Amount	Number	Calls	Duration	Amount	Number	Calls	Duration	Amount
(915) 532-8397	165	580.0	310.64	(915) 532-8398	109	439.9	284.00	(915) 532-8399	176	707.9	361.30
(915) 532-8443	9	37.6	20.19	(915) 532-8443	12	278.3	167.25	(915) 542-9967	227	435.7	343.58

### Area Code Summary

Area Code	Calls	Duration	Amount	Area Code	Calls	Duration	Amount	Area Code	Calls	Duration	Amount
202	9	11.3	3.60	203	5	7.3	1.58	205	3	3.7	0.77
206	1	0.2	0.07	213	10	17.8	3.22	214	4	11.8	2.90
219	2	2.3	0.48	301	2	2.6	0.54	312	1	0.7	0.15
404	5	11.6	2.09	415	1	1.0	0.17	417	1	1.2	0.25
505	6	6.5	1.13	507	2	5.0	1.06	512	2	3.3	0.76
515	2	12.5	2.51	516	6	6.4	1.30	616	3	48.0	7.17
619	7	27.1	5.15	708	7	35.6	7.37	713	10	18.9	5.07
714	6	10.1	1.72	715	1	0.3	0.60	804	5	4.9	1.00
914	9	12.5	2.66	916	14	28.3	5.84	919	16	81.6	14.70

## International Cali Summary

Country	Calls	Duration	Amount	Country	Calls	Duration	Amount	Country	Calls	Duration	Amount
BELGIUM	1	1.0	1.25	FRANCE	3	12.0	12.48	ITALY	9	24.0	20.96
UNITED KINGDOM	1	20.0	16.97	DENMARK	1	1.0	1.44	WEST GERMANY	8	8.0	9.98
MEXICO	523	2025.0	1332.53	CHILE	2	16.0	16.49				

Frequently Called City Summary - 20 Calls or More Per Month

City - State	Calls	Duration	Amount	City - State	Calls	Duration	Amount	City - State	Calls	Duration	Amount
MEX(CO	MX	5:52	2,025.0	1332.53							

Long Duration Call Summary - 20 Minutes or More Per Call

[illegible]

**PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE**

JUL 4 1992

PURSUANT TO 807 KAR 5:011.  
SECTION 9 (1)

BY: Charles L. L...  
PUBLIC SERVICE COMMISSION MANAGER

Customer Number: 55-001-01127  
Confectionary Group Corp.,  
1630 E. Paisano Ste. B  
El Paso, TX 79901

ATTN:

Invoice Date: May 26, 1991

Remit to:  
Business Choice Network  
P.O. Box 85029  
Richmond, VA 23281-0229

Service Period:  
4/01/91 to 4/30/91

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

JUL 4 1992

PURSUANT TO 807 KAR 5:011,  
SECTION 9 (1)

BY: *[Signature]*  
PUBLIC SERVICE COMMISSION MANAGER

BCM Software Defined Network

Service Description	Calls	Duration	Amount
1+ Calls:			
Interstate Usage	118	334.0	\$ 62.53
Intrastate Usage	15	33.6	\$ 8.23
Interstate Directory Assistance	6	4.4	\$ 3.60
Intrastate Directory Assistance	1	0.4	\$ 0.50
International Usage	558	2107.0	\$ 1412.10
1+ Calls Total Usage:	698	2479.4	\$ 1486.96

Account Activity	Amount
Previous Balance	\$ 0.00
Payments Received	\$ 0.00CR
Balance Forward	\$ 0.00
Total Long Distance	\$ 1486.96
International Discount	\$ -112.96CR
Monthly Administrative Fee	\$ 12.00
Federal Tax	\$ 41.22
State and Local Taxes	\$ 11.73
911 Tax	\$ 0.01
Telephone Sales Tax	\$ 0.13
PUC Tax	\$ 0.01
Current Charges Subtotal	\$ 1439.10
Total Due	\$ 1439.10

If you have any questions about your bill or service  
Please call (800) 442-4450, Thank you.

UN-12-91 WED 14:26